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Jon Swanson

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EXAMINER

PATEL, CHANDRAHAS B

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/718,198

Applicant(s)

SWANSON ET AL.

Examiner

Chandahas Patel

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/5/2004, 12/13/2004</u> .                                    | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 5, 6, 8-16, 18, 19, 21, 25 are under 35 U.S.C. 102(e) as being anticipated by Shaffer et al. (USPN 6,775,247).

**Regarding claim 1**, Shaffer teaches a method for communicating at least one primary data stream to a virtual meeting attendee **[Fig. 1A]** comprising the steps of: monitoring a plurality of data streams being communicated between a plurality of virtual meeting standard users, the plurality of data streams including a plurality of continuous data streams communicated from each of the plurality of virtual meeting standard users to others of the virtual meeting standard users **[Col. 3, lines 26-34]**; and, recognizing at least one primary data stream from the plurality of data streams and communicating the one primary data stream to one virtual meeting primary user **[Col. 3, lines 36-41]**.

**Regarding claim 2**, Shaffer teaches virtual meeting standard users have higher bandwidth capacity than at least one primary user **[Fig. 3A, Col. 5, lines 33-41, 108 is primary user and 110-114 are standard users who are using more bandwidth when bandwidth for 3 users is aggregated]**.

**Regarding claim 5**, Shaffer teaches receiving plurality of data streams over a first interface [Fig. 1A, 15a], and communicating primary data stream is done using a second interface [Fig. 1A, 15b, 15c, 15d].

**Regarding claim 6**, Shaffer teaches data streams comprise a continuous stream of streaming real-time data contained in discrete packets [Col. 5, lines 13-19] communicated across a packet switched network [Col. 4, lines 1-22].

**Regarding claim 8**, Shaffer teaches each users comprise a virtual meeting conference room, and wherein said plurality of continuous data streams being communicated from each of said standard users includes at least one real-time video data stream and at least one real-time audio data stream [Col. 5, lines 33-41].

**Regarding claim 9**, Shaffer teaches plurality of data streams includes a plurality of video data streams [Fig. 3B, Video A, B streams].

**Regarding claim 10**, Shaffer teaches communicating the primary data stream to a primary port, the virtual meeting primary user in communication with the primary port [Fig. 3A, 108, Video A is a primary stream which is communicated to MCU 102].

**Regarding claim 11**, Shaffer teaches one primary data stream includes at least a first and a second primary data stream, and wherein one primary user includes at least a first and a second primary user, and wherein the step of communicating one primary data stream to at least one primary user includes communicating the first primary stream to the first primary user but not to the second primary user and communicating the second primary data stream to the second primary user but not to first primary user [Fig. 3B, 108 & 110 are communicating with each other].

**Regarding claim 12**, Shaffer teaches receiving a primary selection command, and using the command to recognize at least one primary data stream [Col. 7, lines 27-31].

**Regarding claim 13**, Shaffer teaches receiving the command from one of the standard users [Col. 7, lines 27-31].

**Regarding claim 14**, Shaffer teaches receiving the command from one of the virtual meeting primary users [Col. 7, lines 27-31].

**Regarding claim 15**, Shaffer teaches receiving at least one continuous data stream from at least one virtual meeting primary user and communicating the continuous data stream to each of the plurality of virtual meeting standard users [Fig. 3A, MCU receives Video A stream from 108 and communicates the stream to 110-114].

**Regarding claim 16**, Shaffer teaches identifying at least one primary user [Col. 7, lines 27-31].

**Regarding claim 18**, Shaffer teaches communicating only to at least one primary data stream to the primary user [Fig. 3A, Video A being communicated back to 108 on line 124].

**Regarding claim 19**, Shaffer teaches one primary data stream comprises a plurality of primary data streams [Fig. 4B, Multicast Video A, Video B].

**Regarding claim 21**, Shaffer teaches a computer program product for communicating one or more primary data streams during a virtual meeting, the computer program product comprising computer readable instructions stored on a computer readable medium, the instructions when executed causing one or more computers [Col. 4, lines 46-50] to perform the steps of: communicate a plurality of continuous real-time data streams that include discretely packetized video and audio data between a plurality of standard users [Fig. 3A, Col. 6, lines 23-

Art Unit: 2616

27]; and, identify a primary subset of said plurality of continuous real-time data streams and communicate said primary subset to one or more primary users [Col. 3, lines 36-41].

**Regarding claim 25**, Shaffer teaches computer system includes one more memories on which the program instructions are stored [Col. 4, lines 46-50], where the computers are connected to one another by a packet based network [Col. 4, lines 1-22].

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 3, 4, 20, 22-24, 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaffer et al. (USPN 6,775,247) in view of Ho et al. (USPN 7,151,762).

**Regarding claims 3 and 22**, Shaffer teaches a method and a computer program product as discussed in rejection of claims 1 and 21.

However, Shaffer does not teach each of plurality of data streams include an identifier, and wherein the method further includes the step of comparing each of the identifiers to a stored primary data stream identifier to recognize said primary data stream.

Ho teaches each of plurality of data streams include an identifier, and wherein the method further includes the step of comparing each of the identifiers to a stored primary data stream identifier to recognize said primary data stream [Col. 5, lines 9-17].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include an identifier to recognize the primary data stream so that appropriate QoS parameters can be set for the connection [Col. 5, lines 9-17].

**Regarding claim 4**, Shaffer teaches data streams comprise discretely packetized data in real-time [Col. 6, lines 23-27].

However, Shaffer does not teach identifiers comprise information from a stream header included with each packet.

Ho teaches identifiers comprise information from a stream header included with each packet [Col. 5, lines 10-15].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include identifier in each packet so that QoS parameters associated with the packet can be identified from a plurality of packets [Col. 5, lines 10-15].

**Regarding claim 20**, Shaffer teaches a method for communicating one or more primary data streams over a network [Fig. 1A] comprising the steps of: receiving a plurality of real-time streaming video data signals and at least one streaming real-time audio data signal from each of a plurality of standard users connected by a network and communicating said streaming real-time video data signals and said at least one streaming real-time audio data signal to all others of said plurality of standard users over said network [Col. 3, lines 26-34], streaming real-time video and audio data signals each comprising discretely packetized data [Col. 6, lines 23-27], each of the plurality of standard users connected to the network via a connection having at least a first bandwidth capacity [Col. 3, lines 26-34, **each link has a bandwidth limit**]; receiving a primary selection command that identifies at least one of said plurality of streaming real-time video data

Art Unit: 2616

signals and said at least one streaming real-time audio stream as a primary data signal [Col. 7, lines 27-31]; using said primary selection command to identify said at least one primary data signal from said plurality of streaming real-time video data signals and said at least one streaming real-time audio signal [Col. 7, lines 27-31]; and, communicating only at least one primary data signal to at least one primary user over said network, said at least one primary user connected to the network with a connection having a bandwidth capacity of less than the first bandwidth capacity [Fig. 3A, Video A is being communicated back to all users, Col. 3, lines 26-34, 108 is primary user and 110-114 are standard users who are using more bandwidth when bandwidth for 3 users is aggregated].

However, Shaffer does not teach each of the plurality of streaming real-time video data signals and at least one streaming real-time audio data signal having a unique identifier.

Ho teaches each of the plurality of streaming real-time video data signals and at least one streaming real-time audio data signal having a unique identifier [Col. 5, lines 9-17].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include an identifier to recognize the primary data stream so that appropriate QoS parameters can be set for the connection [Col. 5, lines 9-17].

**Regarding claim 23**, Shaffer teaches a computer program product as discussed in rejection of claim 21.

However, Shaffer does not teach receiving a primary stream identification command that includes one or more stored primary stream identifiers.

Ho teaches receiving a primary stream identification command that includes one or more stored primary stream identifiers [Col. 5, lines 9-17].



It would have been obvious to one of ordinary skill in the art at the time the invention was made to receive a primary stream identification command so that appropriate QoS parameters can be set for the connection **[Col. 5, lines 9-17]**.

**Regarding claim 24**, Ho teaches primary stream identification command can be changed to select a second primary subset after receiving a second primary identity change command **[Col. 5, lines 9-10]**.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have primary stream identification command so that when new session is started primary user can be identified **[Col. 5, lines 4-9]**.

**Regarding claim 26**, Shaffer teaches a method for communicating one or more primary data streams in a virtual meeting environment **[Fig. 1A]** comprising the steps of: linking a conference interface with a plurality of standard virtual meeting attendees over a network using at least one port assigned to said standard users **[Fig. 1A, 14, Multi Conference Unit (MCU)]**; linking the conference interface with at least one primary meeting attendee over the network using at least one primary port **[Fig. 1A, 14 is linked to 12a-d]**; receiving a plurality of packet based real-time data streams from each of the plurality of standard meeting attendees with the at least one first port **[Fig. 3A, Col. 5, lines 14-19 describe the data is packetized]**, each of the plurality of real-time data streams containing one or more of audio or video data **[Fig. 3A, Video A]**, communicating the plurality of real-time data streams from each of the plurality of standard meeting attendees to all others of the plurality of standard meeting attendees **[Fig. 3A, Video A is delivered from 108 to 110-114]**; monitoring the plurality of real-time data streams received from each of the plurality of standard meeting attendees **[Col. 6, lines 26-41]**; communicating

the primary stream to the primary meeting attendee using the primary port **[Fig. 3A, Video A is being communicated back to 108 who is primary attendee]**.

However, Shaffer does not teach each stream of data has a unique identifier; comparing the unique identifier from each of the plurality of real-time data streams to a stored primary stream identifier, categorizing any of the real-time data streams having an identifier matching the primary identifier as a primary data stream.

Ho teaches each stream of data has a unique identifier **[Col. 5, lines 9-10]**; comparing the unique identifier from each of the plurality of real-time data streams to a stored primary stream identifier, categorizing any of the real-time data streams having an identifier matching the primary identifier as a primary data stream **[Col. 5, lines 9-17]**.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include an identifier to recognize the primary data stream so that appropriate QoS parameters can be set for the connection **[Col. 5, lines 9-17]**.

5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shaffer et al. (USPN 6,775,247) in view of Dobbins et al. (USPN 7,193,996).

**Regarding claim 7**, Shaffer teaches a method as discussed in rejection of claim 6.

However, Shaffer does not teach each packet has a header portion that identifies source of the data stream.

Dobbins teaches each packet has a header portion that identifies source of the data stream **[Fig. 3, 166]**.

Art Unit: 2616

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a header portion that identifies source of the data stream so that source of a packet can be determined **[Abstract]**.

6. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shaffer et al. (USPN 6,775,247) in view of Magliaro (USPN 7,225,459).

**Regarding claim 17**, Shaffer teaches a method as discussed in rejection of claim 16.

However, Shaffer does not teach determining bandwidth capacity for a primary user.

Magliaro teaches determining bandwidth capacity for a primary user **[Col. 5, lines 19-20]**.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to determine bandwidth capacity for a user so that initial transmission rate for the video and audio can be selected **[Col. 2, lines 24-27]**.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chandrahas Patel whose telephone number is 571-270-1211. The examiner can normally be reached on Monday through Thursday 7:30 to 17:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on 571-272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2616

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CBP

  
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SUPERVISORY PATENT EXAMINER